

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF MASSACHUSETTS

VANTAGE FINANCIAL SERVICES, INC.

Plaintiff

v.

NONPROFIT SERVICE GROUP, INC. and  
GEORGE E. MILLER

Defendants

CIVIL ACTION NO. 04-11686-WGY

**DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**  
**CONCERNING EXPERT TESTIMONY**

Pursuant to Fed.R.Civ.P. 56 and Local Rule 56.1, defendants Nonprofit Service Group, Inc., and George E. Miller, move for summary judgment in their favor on the remaining counts of the Complaint of plaintiff Vantage Financial Services, Inc. ("Vantage"). In support of this motion, defendants rely on the following grounds:

1. Vantage will not present expert testimony at trial to support its remaining claims which sound in legal malpractice.
2. Vantage's remaining claims for breach of contract (Count I), negligence-legal malpractice (Count II) and negligent misrepresentation (Count IV) cannot succeed without the support of expert testimony. Vantage cannot make the necessary showing to reach the jury on its legal malpractice claim without expert evidence addressed to the following two issues: (1) whether defendants' conduct met the standard of care applicable to similarly situated attorneys practicing in the relatively arcane fields of postal regulation and nonprofit fundraising agreements, and (2) whether there was anything similarly situated attorneys would have or could have done differently to

achieve a better result in circumstances similar to those present in this case.

3. In further support of this motion, defendants rely on the accompanying Memorandum of Law, Rule 56.1 Statement of Undisputed Facts, and Affidavit of Matthew J. Griffin.

4) WHEREFORE, the Court should enter summary judgment in defendants' favor on all remaining counts.

**REQUEST FOR ORAL ARGUMENT**

Defendants request a hearing on the above motion.

4) Respectfully submitted,

Nonprofit Service Group and  
George E. Miller,  
By their attorneys,

/s/ Matthew J. Griffin  
Richard L. Nahigian, Esq., BBO#:  
549096  
Matthew J. Griffin, Esq., BBO#  
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**LOCAL RULE 7.1 CERTIFICATION**

I, Richard L. Nahigian, certify that I left a voicemail message for Laurence Johnson, counsel for plaintiff Vantage Financial Services, Inc., on November 28, 2005 and have attempted in good faith to resolve or narrow the issues that are the subject of this motion. While I have not heard back from Attorney Johnson, the issue of the foregoing motion was addressed at the final pretrial conference in this matter on November 14, 2005.

/s/ Matthew J. Griffin  
Matthew J. Griffin

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